

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDIAN MEDICAL, INC. d/b/a	:	CIVIL ACTION
AMERICAN MEDICAL TECHNOLOGIES	:	NO. 12-5582
	:	
	:	
vs.	:	
	:	
GENTELL, INC., WOUNDED CARE	:	
CONCEPTS INC., FREDRIC A. BROTZ,	:	
DAVID NAVAIO,	:	
KATHLEEN E. KENNEDY,	:	
ELIZABETH J. MEYERS,	:	
JOELLEN FISCHER, and PEGGY J. BATES	:	

ORDER

AND NOW, this 21st day of August, 2013, upon consideration of plaintiff's motion to dismiss defendants' amended counterclaim (Dkt. Nos. 47 and 48), defendants' response thereto (Dkt. Nos. 50, 51 and 53) and plaintiff's reply briefs (Dkt. Nos. 52 and 54), and consistent with the accompanying Memorandum of Law, it is ORDERED that:

1. Plaintiff's motion is GRANTED to the extent that defendants' amended counterclaim asserts factual allegations under a claim for wrongful use of civil proceedings.
2. Plaintiff's motion is DENIED to the extent that defendants' amended counterclaim asserts factual allegations under a common law abuse of process claim.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.